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EXAMINER

DUONG, THANH P

ART UNIT

PAPER NUMBER

1764

DATE MAILED: 02/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/945,485

Applicant(s)

VRSKA, MICHAEL D.

Examiner

Tom P Duong

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 1-7 and 9-35 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claims 1, 15, and 27, there is no written description of "the insert including a center portion having a first rearward depth, the putter head having a second rearward depth measured from the front strike face of the front wall to the rearmost surface of the sole portion, the first depth being less than fifty percent of the second depth."

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-7 and 9-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 1, 15, and 27, "the insert including a center portion having a first rearward depth, the putter head having a second rearward

depth measured from the front strike face of the front wall to the rearmost surface of the sole portion, the first depth being less than fifty percent of the second depth" is indefinite and inaccurate.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-7, 9-16, and 18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dewanjee (6,273,831) in view of Rohrer '997. Regarding claims 1-2, 4, 9-11, 15-16, 18, and 22-23, Dewanjee discloses a putter head (Figures 1-6C) comprising a heel portion; a toe portion; a single, one-piece insert 60 press-fit (Col. 5, lines 1-12) in the recess having face wall 80 (Col. 4, lines 54-67) and a sole portion with sight line on the upper surface (Fig. 4B). Dewanjee discloses that occupies between 10 to 25% of the volume of the club head (Col. 5, lines 28-32 and Figure 6A) and the insert inherently has a depth much less than the depth of the width of the putter head. Dewanjee does not teach the rear portion of the wall being formed with variable thickness. Rohrer teaches a variable depth cavity 13 to accommodate a thicker elastomer at the center and thinner at its periphery to maximize energy absorption at the center (Col. 5, lines 6-14). Thus, it would have been obvious in view of Rohrer to one having ordinary skill in the art to modify the face wall of Dewanjee with recess

Art Unit: 3711

having variable rearward depth as taught by Rohrer in order to maximize energy absorption. Regarding claims 5 and 19, Rohrer discloses an insert made of viscoelastic elastomer which is a lightweight material (Col. 4, lines 38-40). Regarding claims 6 and 20, it is conventional in the golf's art to provide transparent or translucent elastomer to accommodate labeling of manufacturer name and logo. Regarding claims 7 and 21, Rohrer shows on Figures 1-7 that different insert shapes or configurations (Col. 4, lines 47-52). Regarding claims 12-13, 24, and 25, Rohrer discloses the insert preferably has a hardness 70 Shore A hardness (See Col. 3, lines 15-18 and Col. 2, lines 22-30). Regarding claims 14 and 26, Rohrer shows on Figures 12 and 13A first rearward depth is greater than the second and third rearward depths.

4. Claims 3, 17, and 27-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dewanjee '831 in view of Grim, Jr. et al. (5,551,694). Dewanjee does not disclose a sole portion has an elongate sole slot parallel to the striking face. Grim, Jr. teaches on Figure 5 vertical cuts 36 thru the sole to provide aesthetically sound for accurate putting. It would have been obvious and desirable in view of Grim, Jr. to one having ordinary skill in the art to modify the sole portion of Dewanjee to include the vertical cuts as taught by Grim, Jr. in order to provide a pleasant sound for accurate putting. Claims 27-35 recite limitations similar to claims 1-26, respectively. Thus, claims 27-35 are rejected for the same reasons as applied to claims 1-26.

Response to Arguments

Applicant's arguments with respect to claims 1-7 and 9-35 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom P Duong whose telephone number is (703) 305-4559. The examiner can normally be reached on 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on (703) 308-1513. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Tom Duong


GREGORY VIDOVICH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700